



Municipal Officials and Officers Ethics Commission

To: Mayor and Council
From: Municipal Officials and Officers Ethics Commission
Subject: Annual Report
Date: August 13, 2014

Background

The City's new Code of Ethics became effective June 9, 2013. A section of the new Code, §2-2111 requires the Municipal Officials and Officers Ethics Commission ("Commission") to submit an annual report to the Mayor and City Council detailing the activities of the Commission during the prior year. This annual report covers the time period from June 9, 2013 – June 8, 2014.

The Charter established the Commission to render advisory opinions for Councilmembers, the City Manager, department directors, and members of boards and commissions on conflicts of interest and financial disclosure issues and to investigate and report on allegations of violations in these areas. The Code of Ethics expanded the jurisdiction of the Commission to include all city employees and to grant waivers of the Code of Ethics.

The Commission meetings are scheduled for the third Wednesday of each month.

Advisory Opinions

The Commission received three requests for an advisory opinion.

- A public official requested an advisory opinion on conflicts of interest with a spouse's potential employment
- A city employee asked if a donated trip constituted a gift. The Commission examined the trip, its purpose, and the meeting schedule. The Commission determined the trip was a business trip and did not constitute a gift to the employee.
- A former City employee alleged that she had been wrongfully terminated. Since that request was outside of the jurisdiction of the Commission, it was forwarded to the Director of Human Resources

Waivers

The Commission received three requests for waivers of the Code of Ethics.

- An employee requested a waiver of the prohibition against an employee being in the direct line of supervision over a relative (§2-2043(c)). An assistant director was three levels removed from his relative, had not hired or promoted the relative, and was

screened from all personnel decisions involving the relative. The Commission approved this waiver with the continuation of the screening provisions.

- Two public officials requested a waiver of the gift limitation (§2-2030) for one specific situation where a City contractor had agreed to sponsor an event and the event cost was greater than expected. This waiver was granted.
- An employee requested waiver of the gift limitation (§2-2030) to allow a City contractor to pay the employee's cost to attend a training program. The Commission found that this employee is not involved in recommending or awarding contracts. The Commission determined that although the training is of some worth to the employee, it is of equal or greater worth to the City. This waiver was granted.

Complaints

The Commission received 14 complaints submitted through its website.

- Twelve of these complaints involved matters outside the jurisdiction of the Commission and were referred to the Action Center, KCPD, or the involved department. The Commission explained the Commission's jurisdiction to each complainant and informed them where their complaint had been referred.
- One allegation of a supervisory conflict of interest. It was investigated by the Internal Auditor and found to be without merit as there was no supervisory relationship.
- One complaint involving various alleged conflicts of interest. The Commission reviewed the complaint and determined it did not have jurisdiction.

Website

The Ethics Commission developed, with City Communications and City IT assistance, a webpage on the City's website two years ago. The webpage was updated last year to reflect the changes to the Commission's responsibilities when the new Code of Ethics was approved. It was then reformatted to the new webpage format in January, 2014 when the City moved to the kcmo.gov address. The web address is: kcmo.gov/citymanagersoffice/ethicscommission

Campaign contribution limitation ordinance

The Commission extensively discussed §2-53, Code of Ordinances (campaign contribution limitation ordinance) and its experiences during the last election cycle. The Commission identified several suggested changes which it conveyed to Ethics Compliance Officer Bill Geary. Mr. Geary incorporated the Commission's suggestions, along with other suggested changes, into Ordinance 140339, which Mr. Geary sponsored for Council consideration. On behalf of the Commission, Chair Lajuana Counts testified in support of this ordinance before the Finance Committee. This ordinance was passed by the Council on June 12, 2014, as a committee substitute, and contained the Commission's suggested changes.

City Auditor reports

The City Auditor made 9 presentations to the Commission. The City Auditor is required to forward all audits to the Commission pursuant to §2-112(b)(1), Code of Ordinances. The Commission did not find any audit items warranting Commission investigation.